CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE EIGHT HUNDRED AND THIRTY-SEVENTH PLENARY MEETING

Held at the Palais des Nations, Geneva
on Tuesday, 18 January 2000, at 10.15 a.m.

President: Mr. Harald Kreid (Austria)

The PRESIDENT: I declare open the 837th plenary meeting of the Conference and the first part of its 2000 session.

At the outset I should like to bid farewell to those colleagues who have left Geneva since the last session, namely, Ambassador André Mernier of Belgium, Ambassador Mounir Zahran of Egypt, Ambassador Aye of Myanmar and Ambassador Li Changhe of China, and wish them all possible success in their new assignments as well as happiness for them and their families.

I would also like to extend a cordial welcome to new colleagues who have assumed their responsibilities as representatives of their Governments in the Conference since we adjourned in September, namely, Ambassador Jean Lint of Belgium, Ambassador Hu Xiaodi of China, Ambassador Fayza Aboulnaga of Egypt, Ambassador Mya Than of Myanmar and Ambassador Nurlan Danenov of Kazakhstan. We look forward to working with them in pursuing our common goals.

I now turn to my opening statement as President of the Conference. Above all, I should like to express my gratitude to my predecessors, who during the course of last year grappled with much the same issues as those ahead of us now. I mention particularly Ambassador Leslie Luck of Australia, in whose work I was fully involved and with whom I participated in inter-sessional consultations, which provided valuable insights for my own presidency. I am also grateful to be able to count upon the able and professional support of Mr. Vladimir Petrovsky, Secretary-General of the CD and Personal Representative of the Secretary-General of the United Nations, and Mr. Abdelkader Bensmail, Deputy Secretary-General of the CD, as well as of all other staff of the secretariat.

As I take up the function of President I am keenly aware of my responsibilities, but I am also aware of the transitory character of my mandate. Indeed, I feel that continuity and change are the traits of the CD presidency - for a few weeks I am entrusted with a role which has been performed by many of my colleagues and will be performed by many others. The time allotted to each of us is frequently too short to reap the benefits of our own initiatives. Success may come at any moment and independently of our efforts if and when circumstances are propitious.

Since as CD Ambassadors we take turns in presiding over the Conference, we have a special sense of shared responsibility, and this creates a very particular esprit de corps among ourselves.

Yet it is no secret that the powers of the President are quite limited. The strict rules of procedure reduce the President's margin of manoeuvre and assign to him the role of mediator and mitigator: mediator between divergent views and mitigator of a potentially pernicious divisiveness within the Conference. He can make use of the small lead in information which he derives from his consultations and he can offer solutions which are for the Conference to accept or to reject.

(The President)

Under these well-known framework conditions, I initiate our new sessional period. It is tempting to speak of a "millennium session". We have, however, reason to be prudent with the use of terms which sound promising and could therefore turn out to be misleading. I believe you will agree with me if I say that the name matters little as long as we achieve something worth while. This is precisely the question: are we going to achieve something worth while in the year 2000 after success has eluded us in the past three years?

I cannot hide the fact that I am rather concerned. In the inter-sessional period, Ambassador Luck and I made efforts to take the pulse of a number of delegations. It was not always measurable. Sometimes the pulse seemed feeble; sometimes its pace and rhythm were somewhat alarming. Thus, in our informal contacts we were left with a contradictory message concerning the overall temperature of the Conference. By the way, I will invite Ambassador Luck to present our findings to you in a more detailed manner in a moment.

It is, however, safe to say that the starting conditions for our work have not improved in recent months. I consider it unnecessary to point to the various developments that may have implications on the CD because they are uppermost in everybody's mind. We need to weigh the consequences of the changing international environment and decide whether we resign ourselves to the role of victims of circumstances beyond our control or else demonstrate to the outside world that the CD is able to render its services to the international community even under difficult conditions and that we are willing to provide the international arms control scene with a strong positive impetus which will have beneficial repercussions beyond our own work.

The CD's supreme task consists in the negotiation of arms control and disarmament treaties. When we embark on such a negotiation we do not know how long it will take. We do not know what the ultimate fate of our brainchild will be. Is the result of our long and arduous efforts going to find the blessing of our parliaments? Will there be a sufficient number of ratifications for the treaty to enter into force? Will the treaty be ratified by all those countries which are required to make it a truly valid instrument? We do not know. It all depends on circumstances which cannot be anticipated. But what we can and must do is to draft the best possible treaty text with the highest possible chances of being accepted by our Governments and lawmakers.

Thus our real choice is a rather simple one. It is a choice between doing potentially useful work or remaining inactive. Granted, activity - let alone activism - is not always the best service we can render our country. Diplomacy consists as much in doing things as in avoiding doing them. We have been demonstrating the virtues of prevention diplomacy for some time now. I believe that the CD has proved beyond reasonable doubt during the course of the past three years that it masters the art of dithering, delaying, side-stepping and circumvention. Is it surprising that frustration is building up and that a sense of despondency is spreading in this room? Let us, then, try again, mustering all our personal and professional energy, to arrive at compatible positions and bridge differences.

(The President)

According to rules 27 and 28 of the rules of procedure, the Conference is supposed to adopt its agenda and establish its work programme at the beginning of its annual session. It will not surprise you that my preliminary consultations have indicated that for the time being there is no agreement on the work programme. I will continue to consult and will keep the Conference informed on any further developments. In my efforts to achieve agreement I will build on the work of my predecessors in office, taking on board any new ideas that might emerge. I also think that on the two issues where in spite of protracted efforts we have been unable to achieve a common view, namely, on the establishment of a subsidiary body on nuclear disarmament and a subsidiary body on the prevention of an arms race in outer space, informal open-ended consultations might provide some useful guidance for the President.

While we should not for a moment lose sight of the goal, namely, to embark on the negotiation of a meaningful arms control treaty, we must not forget that to arrive at this point the Conference needs to take advantage of all available means of promoting the process of decision-making and it needs to engage on various fronts in order to develop the necessary momentum for a fruitful dialogue. I therefore believe that it would be in our common interest if special coordinators were to carry out assigned tasks in a number of areas in parallel to ongoing endeavours to find a solution to our overriding concerns.

I thus appeal to delegations to demonstrate the largest possible amount of flexibility in our procedures, particularly with regard to linkages and packages which only paralyse activities on all fronts without really advancing the causes they were meant to serve. The aspect of a conference remaining inactive over any length of time not only sends a pernicious signal to the outside world, it also diminishes our chances of achieving positive results in the priority areas. This is so because the virus of inactivity is likely to spread rapidly, producing a psychological barrier to efforts to address problems vigorously and in a spirit of optimism. It is, obviously, not in the power of your President to overcome single-handedly the existing obstacles. But it may be, at least to a certain extent, in my hands to instil into the Conference a working mood, and thus help create better conditions for success.

In conclusion, let me say that I am looking forward to working with all of you. Not only are we united in a good cause - and there are not too many equally good causes around in the world - but I have had the pleasure and priviliege of becoming well acquainted with many of you during the last years, so that I can flatter myself on being on good personal terms with you. I can only hope that this good personal relationship will turn out to be useful in our work, which carries such far-reaching implications for our common future.

I should now like to invite the Secretary-General of the Conference and Personal Representative of the Secretary-General of the United Nations, Mr. Vladimir Petrovsky, to read to us a message addressed to the Conference by Mr. Kofi Annan.

Mr. PETROVSKY (Secretary-General of the Conference and Personal Representative of the Secretary-General of the United Nations): The Secretary-General of the United Nations has asked me to convey the following message to the Conference on Disarmament:

"The Conference on Disarmament is a unique forum for multilateral disarmament negotiations. This first session of the twenty-first century is a new opportunity for the Conference to try to live up to its potential: to draw strength from recent achievements in some areas, and to take an honest look at lack of progress in others.

"Determined efforts continued last year to combat the scourge of landmines. The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction entered into force in March, and its States parties held a successful first meeting in Maputo in May. The entry into force of Amended (Landmines) Protocol II to the Convention on Certain Conventional Weapons in December 1998 was also followed by the successful conclusion of the first annual conference of its States parties last month.

"The negotiations on a verification protocol to the Biological Weapons Convention (BWC) made steady progress, and the fifty-fourth session of the General Assembly reinforced the growing recognition that the proliferation of small arms and light weapons is an issue of global concern. Let us hope that the decision to convene an international conference on illicit trade in small arms in the year 2001 will lead to comprehensive action.

"But at the same time, there was a deplorable lack of progress on the disarmament and international security issues which the international community considers the highest priority: the multilateral search for genuine measures of nuclear disarmament and non-proliferation, and for ways to prevent an arms race in outer space. The fact that your Conference remains deadlocked on those issues is part of a wider and disturbing stagnation in the overall disarmament and non-proliferation agenda.

"The START process has stalled. The entry into force of the Comprehensive Nuclear Test-Ban Treaty does not appear likely in the near term, though it is encouraging that the States involved in nuclear testing in 1998 are continuing their moratorium on further nuclear tests. A fissile material treaty has not even begun to be negotiated. The NPT review process itself, due to culminate at the next review conference in April, is shrouded in uncertainty. Conflicting priorities for the post-cold-war era have prevented agreement on convening a fourth special session of the General Assembly on disarmament, which could set universal goals for the future.

"Indeed, one of the more disturbing trends in 1999 was the emergence of new tensions between the major players over disarmament and international security issues. At the last General Assembly, concerns were expressed about both the proliferation of longer-range missiles and the development of missile defences. I strongly believe that the ABM Treaty occupies an important place in the contemporary body of arms control

(Mr. Petrovsky, Secretary-General of the Conference on Disarmament and Personal Representative of the Secretary-General of the United Nations)

agreements and remains the cornerstone of strategic stability. If that regime is threatened, another long-sought goal - the prevention of an arms race in outer space - may elude us.

"Towards the end of last year's session, your Conference came very close to reaching consensus on mechanisms for dealing with both nuclear disarmament and prevention of an arms race in outer space. Such consensus would have unlocked the programme of work and allowed work to begin in earnest on a range of issues. This year, I hope you will continue your search for compromises in a spirit of flexibility and with a real sense of urgency. If you make tangible progress on items on your agenda in the first part of this session, the NPT Review Conference stands a better chance of succeeding.

"The international community places great importance on your work. This is borne out by the fact that 21 States are candidates for membership and by your decision last August to admit Ecuador, Ireland, Kazakhstan, Malaysia and Tunisia as full members of the Conference. I hope you will not disappoint their expectations. For my part, I pledge the full cooperation of the United Nations in support of your endeavours and I wish you all a productive session."

The PRESIDENT: I thank Mr. Petrovsky for delivering the message from Mr. Kofi Annan. I would ask Mr. Petrovsky to be kind enough to convey to the Secretary-General of the United Nations our appreciation for his contribution and the importance he attaches to our work.

The Secretary-General of the United Nations has also sent me a communication transmitting all the resolutions on disarmament and international security matters adopted by the General Assembly at its fifty-fourth session, including those addressing specific requests to the Conference. This communication has been distributed by the secretariat as document CD/1602.

Once we have heard the speakers who would like to take the floor today, I intend to invite the Conference to consider, in an informal plenary meeting, the draft agenda for the 2000 session as contained in document CD/WP.505, as well as the requests received from States not members of the Conference to participate in our work during this session, as contained in document CD/WP.504. Both of these documents have been circulated by the secretariat. Thereafter, we shall resume the plenary meeting in order to formalize the agreements reached at the informal plenary.

Before we do so, I would like to invite Ambassador Leslie Luck of Australia, the outgoing President, to whom the Conference entrusted the inter-sessional consultations, to report on the outcome of his consultations, pursuant to paragraph 38 of the 1999 report of the Conference. Ambassador Luck, you have the floor.

Mr. LUCK (Australia): I thank you, Mr. President, and at the outset, may I extend you every good wish for a successful term in your demanding role as President of this Conference?

In September last year, when the Conference, through its annual report, mandated its outgoing and incoming Presidents to conduct inter-sessional consultations on a work programme, I held two particular ambitions. The first was to maximize prospects for the Conference commencing substantive work and set the stage for agreement early in 2000 on a programme of work. The second - very much in support of the first - was to maintain our collective focus on what had become known as the "Dembri package", which in the eyes of most, perhaps all, delegations described the closest point the Conference had come to agreement on a programme of work in 1999. Additionally, in pursuing these goals as President, it was my wish at all times to represent and reflect the views of the Conference's constituency in a balanced and fair way.

These were admittedly modest goals in keeping with the uncertain outlook for multilateral arms control and disarmament. Nevertheless, I had received very strong encouragement and support for these endeavours from delegations from every conceivable constituency within the Conference. It is a disappointment, therefore, that at the conclusion of my term as CD President, I cannot report success in facilitating the core agreement which would allow us to start work, and that I therefore have had to hand to my successor, Ambassador Kreid, an incomplete assignment.

But I do not conclude that we are necessarily any further from that goal than we were when this body last met in formal session.

In my view, there remains a strongly dominant sentiment among CD delegations that the Conference should commence work forthwith on a negotiated programme of work, and that the informal proposals outlined by Ambassador Dembri remain the "point of departure", as it were, for the essential agreement which would permit this.

In my assessment, the elements still required are a prevailing sentiment that the CD cannot credibly remain idle for another year, together with a readiness on the part of key delegations to show flexibility in regard to the two outstanding, or pending, issues - namely, PAROS and nuclear disarmament.

Stripped of the rhetorical and tactical flourishes which are occasionally indulged, the situation remains very much as I detailed it in my concluding remarks as CD President four months ago. There is, of course, a persistent and understandable anxiety, shared by many delegations, about the outlook for arms control and disarmament. But in the course of inter-sessional consultations, I encountered not one delegation which sought to discourage me from either the goal of early agreement on a work programme, or the underlying premises on which those consultations were based.

In this regard, I would make two brief observations. The first is to say that I do not believe we have yet exhausted our examination of positions on the work programme which

(Mr. Luck, Australia)

would permit agreement. For example, it was only in the very last moments of the 1999 session that one important delegation advanced ideas on PAROS with the aim of facilitating agreement on a work programme. The second is to say that too often in the field of security, disarmament and arms control, the enormity of the larger ambition is allowed to obscure smaller steps of potential importance.

It is clear to me that there are small steps which could be taken now, which could yet narrow the gaps in positions on the two outstanding issues and form the basis of agreement on a work programme. These steps would not necessarily realize any delegation's larger arms control and disarmament ambitions, but nor would they stand in their way.

To my mind the interests of the overwhelming majority of delegations - and potentially all delegations - would be served by taking those small steps, by providing an opportunity for the CD to address PAROS issues again, by facilitating dialogue on nuclear disarmament, thus moving towards goals long held by many CD delegations. By doing this, our collective energies would also be released upon the "agreed elements" of the work programme and specifically on an FMCT, which has been a top priority for multilateral negotiation now for several years.

Without diminishing in any way, therefore, the particular priorities held by individual delegations or the seriousness with which they regard developments in the wider environment, I relinquish the presidency convinced that he start of substantive work is within our grasp and should not be allowed to slip away. Moreover, as I have said repeatedly in our inter-sessional consultations, if the broader prospects are as gloomy as some would suggest, there is all the more reason to seize upon the possible - in the expectation that that will lead us towards the desirable - in disarmament and arms control. To this end, I continue to urge delegations to focus on the Dembri package and related texts as a basis for negotiation.

The PRESIDENT: I thank Ambassador Luck for his report. Does any delegation wish to take the floor at this stage? If this is not the case, I would then proceed as I announced in the beginning, to suspend briefly the plenary and convene an informal meeting, open only to members of the Conference, in order to consider the draft agenda for the 2000 session and the requests received from non-members to participate in our work. We will thus suspend for a couple of minutes to allow the other delegations and visitors to leave the room.

The meeting was suspended at 10.50 a.m. and resumed at 11.25 a.m.

The PRESIDENT: The 837th plenary meeting is now resumed.

In accordance with the agreement reached earlier at the informal plenary meeting, may I take it that the Conference decides to adopt for its 2000 session the agenda contained in document CD/WP.505, which is before you?

It was so decided.

The PRESIDENT: The agenda will be issued as an official document of the Conference by the secretariat.

In connection with the adoption of the agenda, I, as the President of the Conference, should like to state that it is my understanding that if there is a consensus in the Conference to deal with any issues, they could be dealt with within this agenda.

I see the delegation of Pakistan has asked for the floor. Ambassador Akram, you have the floor.

Mr. AKRAM (Pakistan): Mr. President, before you move to the issue of the observers, may I just make a statement for the record with regard to the agenda that we have just adopted?

You have just made a statement following the adoption of the agenda that the Conference on Disarmament is not precluded from taking up other issues under the present agenda. In this context, I would like to stress that the international community has now fully accepted the proposition that arms control and disarmament matters at the global level must be complemented by measures at the regional and subregional levels. This in fact reflects the specific dynamics of the arms races in various parts of the world. Both global and regional disarmament must therefore be pursued simultaneously.

The General Assembly has called upon the CD in resolution 54/54 M to negotiate principles for arms control at the regional and subregional levels. My delegation intends to pursue this proposal and recommendation of the General Assembly with the Conference on Disarmament under an appropriate agenda item.

The PRESIDENT: I thank the Ambassador of Pakistan, and I think that I now would like to give a chance to the Ambassador of Germany, who has already announced that he would like to make a statement on the agenda. Ambassador Seibert, you have the floor.

Mr. SEIBERT (Germany): It is a particular pleasure to congratulate you, Sir, on the assumption of the presidency of this Conference. We are all aware of Austria's long-standing strong commitment to arms control and disarmament. I know that you will make best use of your great diplomatic experience and spare no effort to get this Conference off to any early start of work. In this endeavour you can fully rely on the support of the German delegation, and we will heed the opening message you have given us today.

May I take this opportunity to thank both you and your predecessor, Ambassador Luck, for the intensive consultations carried out during the inter-sessional period? I would also like to welcome our new colleagues in this Conference. I am looking forward to working with them in pursuit of our common goals.

(Mr. Seibert, Germany)

Germany has participated in the consensus on the agenda for this year's session of the Conference. I would like, however, to state for the record that Germany has done so with considerable misgivings since we are far from confident that this decision will move us forward to substantive work.

In the light of your statement, Mr. President, the decision we have just taken amounts to the following: The Conference on Disarmament agrees to deal with any issue it agrees to deal with. Evidently, it would have been difficult to oppose such a decision, since Germany has always maintained that this Conference is free in its decisions and that the Conference should be as flexible as possible in the way it conducts its business. However, this does not bring us one step forward to solving the problem that has beset the Conference for the past three years, namely, that the Conference has hardly been able to address any issue substantially and in depth. Last year, this became even more depressingly evident as the Conference was not able to agree on any mechanism whatsoever to deal collectively with any issue, be it through special coordinators or subsidiary bodies. As a result, the work of the Conference was limited to the reiteration of national positions in the form of general statements in the plenary.

The list of topics we have just adopted as the so-called agenda of this Conference is not only outdated, as everyone is aware; it has also lost all its practical significance for the work of this Conference. It contains subjects that have not been addressed substantively by one single delegation during the three years I have had the honour to participate in the Conference. On the other hand, the agenda does not contain topics such as the fissile material cut-off treaty and anti-personnel mines, which have been the subject of intensive consultations in past years and which the General Assembly of the United Nations has called upon the Conference to deal with. This deficiency is even more striking in view of the general agreement which existed during last year's session and hopefully still exists, that anti-personnel mines should be dealt with through a special coordinator, and FMCT by way of an ad hoc committee. For what mysterious reasons are these items then not explicitly mentioned in our agenda?

It has been argued in the past that the agenda of the Conference is in some sense a product of the General Assembly's first special session on disarmament in 1979 and can therefore not be changed until a new consensus emerges as the result of a new special session of the General Assembly. This is not a convincing argument. Firstly, the agenda has evolved since 1979, even if the changes have not been dramatic. Secondly, the final document of SSOD-1 is fully reflected in the so-called "Decalogue" adopted by the Conference in 1979. It is clear that on the basis of this Decalogue, the agenda of the Conference is intended to reflect the changing international security environment and resulting challenges for arms control and disarmament. Otherwise, the Decalogue itself would have been sufficient as a kind of permanent agenda of the Conference.

What is the purpose of the Conference's agenda if we do not immediately start substantive work on the items of the agenda? What sense does such an agenda make if immediately after its adoption a new hurdle is created through the demand for a so-called "comprehensive and balanced programme of work"? I have already pointed out, early in last year's session, that this concept of a so-called programme of work has no basis in our rules of

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procedure, nor does it correspond to the practice of this Conference over many years. I admit that my comments of last year on this issue have evidently not been of much avail. It is precisely in the light of disappointing experiences of last year, however, that it is important to address this subject once again. In particular, there appears to be a certain misconception that the Conference can only conduct its work in subsidiary bodies - even worse, that the establishment of subsidiary bodies with precise mandates which anticipate discussions or negotiations is a precondition for starting any substantive work. This is surely not the intention of rule 23 of our rules of procedure. The creation of subsidiary bodies should facilitate the work of the Conference and should not create additional impediments.

I have noted with interest the statement by the coordinator of the G-21 at the recent Presidential consultations concerning the strong view that the CD should strictly abide by its rules of procedure. I can fully support this view, if it is not only the letter but the spirit that is abided by, and if no imaginary new rules are invented that create artificial procedural obstacles to the early start of our work in this Conference.

If the Conference were really to abide strictly by its rules of procedure, we would have adopted today an agenda taking into account the recommendations by the General Assembly and therefore including the items FMCT and APM. Following rule 28, we would have established a programme of work including the schedule of our activities for this year's session. On this basis, we would immediately begin with substantive work and take early decisions on how to organize our work in the most efficient manner.

I do not want to sound pessimistic at the outset of this historic year. I do however want to convey a note of caution and appeal to the shared responsibility and political will of all delegations. We must not allow this Conference to remain paralysed for a fourth consecutive year. We must tackle arms control and disarmament issues urgently without getting bogged down in procedural tussles. I trust that this concern is shared by the vast majority of delegations represented in this room.

The German delegation is prepared to enter immediately into a substantive debate on all items on the agenda and all other items to which a significant number of delegations attach importance. We recognize that there remain differences of view on how best to organize our work and on the substance of certain items. But this should neither hold up a debate on all items nor should it block the establishment of mechanisms on those items where agreement already exists, such as the appointment of special coordinators.

Mr. President, you can count on the full support of the German delegation in your endeavours to move forward to substantive work.

The PRESIDENT: I thank the Ambassador of Germany for this thoughtful and thought-provoking analysis, and now I give the floor to the Ambassador of India. You have the floor, Madam.

Ms. KUNADI (India): I would like to make a brief statement to put on record India's position with regard to the agenda just adopted and the statement made by Pakistan referring to General Assembly resolution 54/54 M on convention disarmament at the regional level. India voted against this resolution, and we do not feel that the Conference on Disarmament is the appropriate forum for the consideration of such issues. This is going to be the position of India if such a proposal were to be made.

The PRESIDENT: I thank the Ambassador of India. I see no other delegation wishing to take the floor, so then I believe I can move on to the second item, namely, the question of the observers, and therefore I should now like to invite the Conference to take a decision on the requests for participation in our work from States not members of the Conference. These requests are contained in document CD/WP.504 and were received from the following States: Angola, Azerbaijan, Brunei Darussalam, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Gabon, Georgia, Ghana, Holy See, Iceland, Jordan, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Nepal, Oman, Philippines, Portugal, San Marino, Singapore, Slovenia, Sudan, Thailand, the Former Yugoslav Republic of Macedonia, Uruguay and Zambia.

May I take it that the Conference decides to invite these States to participate in our work in accordance with its rules of procedure? I see no objection.

It was so decided.

The PRESIDENT: This concludes our business for today. I have no speakers on my list. Does any other delegation wish to take the floor at this stage?

Before concluding this plenary meeting, I would like to refer to document CD/INF.1/Rev.34 before you, which contains information regarding certain organizational aspects of the session. In this regard, I should like to draw your attention to paragraph 5, relating to the documentation of the Conference, and to remind you that United Nations regulations do not permit the translation and distribution of statements delivered by delegations in plenary meetings as separate CD documents.

The next plenary meeting of the Conference will be held on Thursday, 20 January, at 10 a.m.

The meeting rose at 11.25 a.m.